

K.C. C. asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Sessions' decision regarding Mr. C.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12 and §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Mr. C. was injured on June 10, 2003, while working for La-Z-Boy. He filed an application with the Commission on December 3, 2003, to compel La-Z-Boy to pay disability compensation and medical benefits for his injury. Judge Eblen held an evidentiary hearing on the claim on June 29, 2004. After the hearing, Judge Eblen resigned and Mr. C.'s claim was assigned to Judge Sessions.

Judge Sessions appointed a medical panel to consider the medical aspects of Mr. C.'s claim. The panel submitted its initial report on October 4, 2005, and then provided clarification on October 31, 2005. On November 21, 2005, Judge Sessions issued his order. As material to the issues raised by Mr. C.'s motion for review, the order: 1) set out Mr. C.'s pre-injury wage at La-Z-Boy, but made no findings regarding his marital status or whether he had any dependent children; 2) observed that La-Z-Boy "may" be entitled to an offset for short-term disability benefits paid to Mr. C.; and 3) stated that Mr. C. had engaged in light-duty work while recovering from his injury, but made no findings as to the wage paid to him for this light-duty work. Judge Sessions' order directed La-Z-Boy to pay temporary total disability compensation, permanent partial disability compensation, medical expenses, interest and attorneys fees, but did not state the amount of such payments. Nor did Judge Sessions identify the amounts that La-Z-Boy was authorized to take as offsets against such payments.

Mr. C. now asks the Appeals Board to review Judge Sessions' decision. Specifically, Mr. C. argues that: 1) the compensation rate established by the decision is incorrect; 2) he is entitled to temporary partial disability compensation while he was performing light-duty work at a reduced wage; and 3) La-Z-Boy is not entitled to an offset for short-term disability insurance payments made to Mr. C..

DISCUSSION AND CONCLUSIONS OF LAW

Although Mr. C.'s motion for review purports to challenge Judge Sessions' determinations on the foregoing issues, it appears to the Appeals Board that Judge Sessions has not, in fact, made any conclusive determinations on those points.

- With respect to Mr. C.'s compensation rate, the decision states Mr. C.'s average weekly wage, but then makes no findings about his marital/family status. However, in their memoranda to the Appeals Board, the parties agree that the compensation rate is \$312 per week. The Appeals Board hereby accepts the parties' stipulation on that point.

- The decision states that Mr. C. performed light-duty work prior to reaching medical stability, but provides no information regarding the wage paid for this light-duty work or how many hours were worked. Nor is it clear when Mr. C. returned to his regular work duties.
- The decision contains an enigmatic statement that La-Z-Boy “may” be entitled to offset short-term disability insurance payments made to Mr. C. outside the workers’ compensation system against the workers’ compensation disability benefits otherwise due Mr. C.. However, the decision neither explains the legal basis for such an offset, nor sets forth the amount of offset.

The Appeals Board has frequently observed that parties are entitled to a decision that: 1) identifies the issues in dispute; 2) states the facts; 3) identifies applicable law; and 4) explains the application of the law to the facts. These elements are not present in Judge Sessions’ decision, and gaps in the decision’s findings and conclusions make it difficult for the parties to formulate their respective arguments as to the correctness of the decision. Likewise, it is difficult for the Appeals Board to determine whether Judge Sessions’ decision is correct or incorrect.

The Appeals Board remands this matter to Judge Sessions with instructions to issue a new decision that sets out the material facts of Mr. C.’s claim, identifies the controlling principles of law, and explains the application of the law to the facts. Furthermore, Judge Sessions’ order should compute the amount of each benefit due Mr. C. and the amount of any offset to which La-Z-Boy is entitled.

In light of the delay already experienced by the parties in this matter, the Appeals Board instructs Judge Sessions to give this matter his prompt attention. Any party dissatisfied with Judge Sessions’ new decision may seek further Commission or Appeals Board review.

ORDER

The Appeals Board sets aside Judge Sessions’ decision of November 21, 2005, and remands this matter to Judge Sessions for issuance of a new decision consistent with the instructions contained herein. It is so ordered.

Dated this 26th day of May, 2006.

Colleen S. Colton, Chair

Patricia S. Drawe

Joseph E. Hatch